

**MINUTES  
TOWN COUNCIL MEETING  
TUESDAY, FEBRUARY 24, 2009 AT 7:15 PM  
RICHARD E. MASTRANGELO CHAMBER  
ADMINISTRATION BUILDING**

1. **ROLL CALL:** A regular meeting of the Town Council was called to order at 7:15 pm, in the Richard E. Mastrangelo Chamber, Administration Building. Present for the meeting were Councilors Stephen P. Corbett, Marilyn M. Petitto Devaney, Susan G. Falkoff, Jonathan Hecht, Angeline B. Kounelis, John J. Lawn, Jr., Vincent J. Piccirilli, Jr., Vice President Mark Sideris and Council President Clyde L. Younger. Also present were the Town Manager Michael J. Driscoll, Town Attorney Mark Reich and Council Clerk Valerie Papas.

2. **PLEDGE OF ALLEGIANCE**

A moment of Silence was held for Kathryn Ryan, mother of Health Benefits Coordinator, Diane Ryan and for George Bailey father of Former Councilor Gus Bailey.

3. **ACCEPTANCE OF MINUTES: February 10, 2009.**

Councilor Devaney moved to accept the minutes to include an amendment under section 9 and to withdraw any attachments, seconded by Councilor Piccirilli and adopted by voice vote.

4. **PUBLIC FORUM: - none noted.**

5. **COMMITTEE REPORTS:**

- A. Joint Committees on Rules and Ordinances and Public Safety reports on a proposed Ordinance prohibiting the use of Marijuana – Angeline Kounelis, Chair and Mark Sideris, Chair: The Chair recognized Councilor Kounelis who stated that the Committee reports include 2 sets of minutes and a one page summary report of the proceedings. Councilor Piccirilli moved to have the one page summary read into the record, seconded by Councilor Hecht and adopted by voice vote, with Councilor Devaney voting no. The one page summary was read into the record (attached). Councilor Piccirilli moved to approve the executive summary and have the 2 other reports attached, seconded by Councilor Lawn and adopted by voice vote, with Councilor Devaney voting no.

Councilor Sideris moved to Suspend the Rules in order to accept a late agenda item, a Budget and Fiscal Oversight Committee report, seconded by Councilor Piccirilli and adopted by voice vote. Councilor Sideris, Chair of the Committee read the Budget and Fiscal Oversight Committee report. Following the reading, Councilor moved to approve the report, seconded by Councilor Kounelis and adopted by voice vote.

## **6. INFORMATIONAL PRESENTATION:**

A. Informational Presentation on a Proposed Service Agreement for Waste Disposal for the term of July 1, 2010 through June 30, 2015 – Phyllis L. Marshall, Town Treasurer/Collector. The Chair recognized Ms. Marshall who reviewed the proposed service agreement for Waste Disposal for the term of July 1, 2010 through June 30, 2015. It was noted that the agreement is with Wheelabrator North Andover for the disposal portion of the municipal waste stream remaining after source reduction, recycling and composting of waste. The proposed agreement includes no minimum tonnage requirement and a savings to the town of \$128,250 based on an estimated delivery of 14,250 tons. It was noted that the proposed contract has been reviewed by John W. Giorgio of Kopelman and Paige with suggested edits forwarded to Wheelabrator.

The Manager noted that the current agreement of \$73.00 per ton will be reduced to \$64.00 and marginally increasing to \$74.00 per ton by the end of the contract in 2015 (see attached memorandum). The Manager lastly noted that this is a good government issue.

Councilor Sideris thanked Ms. Marshall for her diligence and noted the savings to the town is made possible by the combined efforts of twelve other towns.

Councilor Devaney reviewed the past rates and stated that all thirteen towns will receive the benefits which are a good thing.

Councilor Corbett stated that he likes the collaborative effort and asked if the town looked at a year to year contract.

Ms. Marshall stated that there is a substantial benefit to having a fixed price when preparing for the upcoming budgets, as well as having better rates with an extended five year contract.

Councilor Piccirilli stated that the proposed rates and savings are good news for the town. He noted that the town has also saved \$157,000 in tipping fees as it recycled 4.4 million pounds or 2,200 tons of material. He stated that every dollar; every ton saves the town money; money not being thrown in the trash.

The Chair thanked Ms. Marshall for her diligence in negotiating the new contract.

Councilor Sideris moved to allow the Manager to enter into a contract subject to any modifications by Kopelman and Paige, seconded by Councilor Piccirilli and adopted by voice vote.

## **7. MOTIONS, ORDERS AND RESOLUTIONS:**

- A. First Reading on a Proposed Loan Order authorizing the Town Treasurer with the approval of the Town Manager to issue refunding bonds in the amount not to exceed \$12,500,000, pursuant to G.L. c.44, §21A or any other enabling legislation to refund all or a portion of the remaining amounts of the Town's School Project Loan Act of 1948 Bonds dated August 15, 1997, Municipal Purpose Loan of 1998 Bonds dated October 15, 1998 and Municipal Purpose Loan of 2000 Bonds dated November 15, 2000; that the refunding bonds shall be issued in order to pay the principal, redemption premium and interest on the bonds to be refunded, and costs of issuance of the refunding bonds; and that the Town Treasurer is authorized to execute such documents as may be necessary or desirable to carry out this transaction, including a refunding trust or escrow agreement with a bank or trust company.

The Chair recognized the Manager who provided a brief overview of the loan order noting that this is the second positive agenda item as the community has the opportunity to refinance its existing unpaid debt in bond interest which is currently being traded at 2.5%. A public hearing and vote will be placed on the March 10<sup>th</sup> Town Council agenda.

- B. Resolution Accepting the Provisions of Massachusetts General Laws Chapter 32B, Section 18. The Chair recognized the Manager who provided a brief overview of the matter. Councilor Sideris moved the resolution, seconded by Councilor Falkoff and adopted by voice vote.

## **8. COMMUNICATIONS FROM THE TOWN MANAGER: none noted.**

Councilor Sideris moved to Suspend the Rules in order to add a late agenda item; President's Report, seconded by Councilor Piccirilli and adopted by voice vote. It was noted that the report was inadvertently omitted from the agenda.

The Chair stated that he had a discussion with the Manager on allocating monies within the budget in order to provide outside assistance with preparing subcommittee minutes which would allow for greater participation of all subcommittee members.

Councilor Kounelis moved to have subcommittee tapes be forwarded to an outside person to be transcribed into subcommittee minutes, seconded by Councilor Sideris.

Councilor Devaney objected to having the tapes removed from the building and hiring an outside person to perform the work.

Councilor Falkoff inquired what the cost would be to transcribe the subcommittee minutes and whether or not having the person attend the meeting would save time and money in transcribing the proceedings.

The Chair stated that it was his opinion that there was no need in requiring the person to attend the meetings and the cost would depend on how long and involved the meeting was.

Councilor Corbett suggested making the transcribing of the subcommittee meetings by an outside person, optional to each subcommittee's Chairperson and Clerk. He stated that the taping of the proceedings are not mandated by any rule and that while he does not have a problem with having the subcommittee meetings transcribed by an outside person, it should be voluntary.

The Chair concurred with Councilor Corbett's suggestion.

Councilor Sideris moved the friendly amendment that the transcribing of the subcommittee minutes be discretionary to each subcommittee, seconded by Councilor Kounelis and adopted by voice vote, with Councilor Devaney voting no.

## **9. REQUESTS FOR INFORMATION:**

Councilor Lawn made a request to the Manager, asking that a presentation be provided by the Fire Chief and DPW Superintendent to educate homeowners regarding frequent gas leaks which in recent years, have caused severe damage to homes in surrounding communities. He stated that perhaps the presentation can be educational in nature to assist homeowners and bring awareness to the community.

The Chair noted that Wakefield was conducting municipal gas leak inspections and asked that perhaps we check to see what National Grid is doing to provide inspections for Watertown.

Councilor Falkoff requested an update on the Online Tracking system forms.

Councilor Falkoff asked what the plan was, in placing the town's ordinances on line.

## **10. ANNOUNCEMENTS:**

Councilor Devaney announced that for the January 20<sup>th</sup> subcommittee meeting regarding a Marijuana Ordinance, she submitted her written report on January 27<sup>th</sup>. It was noted in the minutes and stated at the meeting that an additional meeting will be called in 30 days. She stated that 30 days has passed with no scheduled meeting.

Councilor Kounelis stated that the Police Chief has been away for several weeks and that it had been discussed in subcommittee that certain documents would be sought and provided.

The Chair recognized Chief Deveau who stated that it would be prudent to proceed with caution, as stated at the meeting. He noted that there was discussion that the subcommittee was looking to see what other surrounding communities are doing in the matter and not to rush any decision.

**11. PUBLIC FORUM: none noted.**

**12. EXECUTIVE SESSION**

There being no further business to come before the Council, Councilor Sideris moved to adjourn the meeting at 8:30 pm in order to go into executive session in order to discuss strategy with respect to litigation and collective bargaining and not to return to open session, seconded by Councilor Piccirilli and adopted by unanimous roll call vote.

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above minutes were adopted on March 10, 2009, as written.